MINUTES OF MEETINGS

OF THE

ISTHMIAN CANAL COMMISSION

JANUARY TO JUNE
1908

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WASHINGTON :- GOVERNMENT PRINTING OFFICE
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MINUTES OF MEETINGS OF THE ISTHMIAN CANAL COMMISSION.

ONE HUNDRED AND THIRTY-NINTH MEETING.

CULEBRA, CANAL ZONE, *January 7, 1908.*

The Commission met at the call of the Acting Chairman at 2 p. m.

Present: Commissioners Gaillard (Acting Chairman), Sibert, Rousseau, Gorgas, and Smith.

Absent: Chairman Goethals and Commissioner Blackburn.

The Commission elected the Chairman's Secretary, Mr. W. H. May, as Acting Secretary of the Commission for the meeting.

1. Upon motion, it was

Resolved, That the Chairman be, and he hereby is, empowered and authorized to direct in writing the Assistant to the Chief of Office or other employee of the Commission at Washington to approve and authorize payment of vouchers for payments by the Commission, to make requisitions for supplies for the maintenance of the Washington Office, and to sign such appointments, correspondence, certificates, and other official documents as may be necessary to facilitate the dispatch of current business at the Washington Office of the Commission, such signatures to be made under the caption "By direction of the Chairman."

2. Upon the recommendation of the Collector of Revenues, approved by the Acting Head of the Department of Civil Administration, authority was granted Jakob Kowalsky to transfer his saloon at Gorgona from its present location to a building on the main street of the town, known as the Tillman Building.

3. Upon the recommendation of the Acting Head of the Department of Civil Administration, it was

Resolved, That permission be accorded See Lee, holding a license for the sale of liquor at Bas Obispo, to remove his saloon from the building in which it is now located to the adjoining building.

4. Whereas it appears from statistics prepared by the officers that the monthly amount of transportation on the Panama Railroad furnished to officials and employees of the Isthmian Canal Commission on the Isthmus at one-half the regular passenger rates is less than the lump sum of $13,000, authorized by resolution of the Com-

mission at its one hundred and thirty-sixth meeting, held October 28, 1907: Therefore be it

Resolved, That beginning with the month of January, 1908, and thereafter until statistics again warrant change, the lump sum of $11,000 per month be paid by the Commission for the transportation of their officials and employees on the regular scheduled trains of the Panama Railroad Company: *Provided, however*, That such lump-sum allowance per month shall not include the Railroad Company's proportion of the rate from New York to Panama on through business, but, on the contrary, that, as formerly, the sum of $1.20 per passenger shall be allowed and paid for the transportation of the Commission's employees en route from New York to Panama.

5. The Acting Chairman reported that he had received a cablegram from the Chairman, dated Washington, December 20, 1907, stating that the President had approved, on December 19, the changes in the plan of the Canal as outlined in his letter to the Secretary of War dated December 9, 1907, and approved at the one hundred and thirty-seventh meeting of the Isthmian Canal Commission.

6. The Acting Chairman presented a petition from certain saloon keepers within the Canal Zone, praying that section 10 of the regulations respecting the sale of intoxicating liquors in the Canal Zone be amended to permit saloons to remain open on Sundays and holidays during the same hours as on week days.

After discussion, and upon motion, it was

Resolved, That it is deemed inadvisable to change the existing regulations governing the hours during which saloons, bars, and drinking places shall remain open on Sundays and legal holidays.

There being no further business before the Commission, the meeting was adjourned at 2.55 p. m., subject to the call of the Chairman.

ONE HUNDRED AND FORTIETH MEETING.

CULEBRA, CANAL ZONE, *January 30, 1908.*

The Commission met at the call of the Acting Chairman at 2 p. m.

Present: Commissioners Gaillard (Acting Chairman), Rousseau, Gorgas, and Smith.

Absent: Chairman Goethals, Commissioner Blackburn, and Commissioner Sibert (sick).

The Commission elected the Chairman's Chief Clerk, Mr. M. B. De Putron, as Acting Secretary of the Commission for the meeting.

The minutes of the one hundred and thirty-seventh, one hundred and thirty-eighth, and one hundred and thirty-ninth meetings were read and approved.

1. The Acting Chairman stated that he had received notification that the President had approved on January 15 the proposition to increase the width of the locks of the Isthmian Canal from 100 to 110 feet, as provided by resolution of the Commission adopted at its one hundred and thirty-seventh meeting, held on December 7, 1907.

2. Whereas the Commission at its seventy-seventh meeting, held in Washington February 14, 1905, authorized the erection of a rest house and food station for the use of the Salvation Army, at a cost of $2,500, and the purchase of standing furniture for this building, at a cost of $750, and it having been found that the purchase of additional furniture is necessary, be it

Resolved, That the expenditure of an additional amount of $250 for the purchase of furniture and equipment for the rest house and food station of the Salvation Army is authorized.

3. On motion it was

Resolved, That any leave of absence without pay, not exceeding fifty-seven days in any service year, shall not affect the longevity increase provided for in the resolution adopted at the one hundred and thirty-first meeting of the Commission.

The Chairman shall in all cases decide whether the effective date of the longevity pay is to be delayed by the amount of time lost through leave of absence without pay in excess of fifty-seven days in any service year.

4. Under authority of paragraph 7 of the Executive Order of the President, dated March 13, 1907, wherein it is provided that ordinances regulating police, sanitation, and taxation may be enacted by the Isthmian Canal Commission, with the approval of the Secretary of War, it was

Resolved, That any person driving an automobile in the Canal Zone at a speed exceeding 15 miles an hour on straight roads, or at a speed exceeding 8 miles an hour when approaching curves, forks, or crossroads, shall be punished by a fine of not less than five dollars ($5) nor more than one hundred dollars ($100), United States currency, or by imprisonment for not more than thirty (30) days, or by both fine and imprisonment, at the discretion of the Court. The owner of an automobile, if in the car, shall be held responsible for its speed; in the absence of the owner, the person actually driving the automobile shall be held responsible.

5. Upon motion of the Acting Head of the Department of Civil Administration, it was

Resolved, That the sum of $7.50, United States currency, be paid from the Canal Zone contingent fund to each indigent prisoner discharged from the Canal Zone penitentiary, for the purpose of clothing and to provide for his maintenance until he finds remunerative employment.

6. The Acting Chairman presented a statement showing appointments, promotions, and other changes in the personnel of the Washington Office and Assistant Purchasing Agencies, covering the period from July 1, 1907, to December 31, 1907, inclusive, all of which were ratified and approved.

7. The Acting Chairman read the following Executive Orders, which were ordered to be spread upon the minutes:

EXECUTIVE ORDER.

Under authority vested in me by law, it is ordered:

That Title XIV of Act No. 14 of the Penal Code of the Laws of the Canal Zone be amended, effective January 15, 1908, by adding thereto the following section:

SECTION 293–A.

Subsection 1. Every vagrant or person found within the Canal Zone without legitimate business or visible means of support; and

Subsection 2. Every mendicant or habitual beggar found within the Canal Zone; and

Subsection 3. Every person found within or loitering about any laborers' camp, mess house, quarters, or other Isthmian Canal Commission building, or any railroad car, or station, or other building of the Panama Railroad Company, or any dwelling or other building owned by any private person, without due and proper authority and permission so to be; or peddling goods or merchandise about any laborers' camp or mess house during hours when laborers are ordinarily employed at work, or in or about places where groups of men are at work; and

Subsection 4. Every person found in the Canal Zone in an intoxicated condition or under the influence of liquor; and

Subsection 5. Every person who shall, in the Canal Zone, engage in any kind of disorderly conduct or breach or disturbance of the peace; shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not to exceed $25, or by imprisonment in jail not to exceed thirty days, or by both such fine and imprisonment.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *January 9, 1908.*

EXECUTIVE ORDER.

Under authority vested in me by law, it is ordered:

1. Whenever there shall remain in the possession of any common carrier within the Canal Zone any freight, baggage, or other property, transported by or deposited with the common carrier at any point within the Canal Zone, which shall have remained unclaimed by the owner or consignee for a period of six months, and upon which there shall remain unpaid or shall have accumulated freight charges or charges for handling and storage, it shall be lawful for the common carrier to sell the same at public auction, at some designated point within the Canal Zone, after having advertised the sale, with a short description of the property to be sold, for a period of three weeks in some newspaper of general circulation within the Canal Zone.

2. In all cases where any such property is of a perishable character, the carrier shall be authorized to apply to any judge of the Circuit Court within the Canal Zone, or, if the property shall be of less value than $100, to any District Judge within the Canal Zone, upon an affidavit describing briefly the property to be sold, its unclaimed state, and its perishable character, for an order for immediate sale, upon such terms as to notice as the nature of the case may admit of, and as to such court or courts as shall seem proper.

3. Before advertising the property for sale the same shall be opened by the carrier, and if it contains any indication of the owner or consignee, a written notice of the existence of the unclaimed property and of the intention to sell the same at public auction shall be mailed by the carrier to the owner or consignee, at any indicated address, four weeks before the date of actual sale.

4. The residue of moneys received from such sale under the foregoing sections, after deducting the accumulated charges for transportation, cost of handling and storage, demurrage, and the cost and expense of the proceedings authorizing the advertising and sale, shall be held for a period of three years, and shall be paid to the owner of such freight, baggage, or other property, on demand. If at the end of the three-year period the said residue shall not have been claimed by the owner, it shall be paid into the Treasury of the Canal Zone Government, to the credit of the public school fund.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *January 9, 1908.*

EXECUTIVE ORDER.

Under authority vested in me by law, it is ordered:

That Section 22 of Act No. 1 of the Laws of the Canal Zone is hereby amended to read as follows:

Section 22. The Canal Zone, Isthmus of Panama, shall be divided into three Judicial Circuits.

The First Judicial Circuit shall be composed of the Administrative District of Ancon.

The Second Judicial Circuit shall consist of the Administrative Districts of Emperador and Gorgona.

The Third Judicial Circuit shall be composed of the Administrative District of Cristobal.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *January 9, 1908.*

EXECUTIVE ORDER.

Under authority vested in me by law, it is ordered:

1. That, until further ordered, Law No. 6, of March 11, 1904, of the Republic of Panama, as applied and construed by the Executive Decree of April 15, 1904, is hereby extended to and made applicable to the Canal Zone.

2. The fines provided for in the said law shall apply to any company or individual who shall omit to prevent the escape of any transient of the nationality named in said law into the Canal Zone, and shall in all cases be imposed by the court of the Canal Zone District in which the violation of the law occurs, upon information of the Collector of Revenues or of the Prosecuting Attorney of the Canal Zone.

This order shall not apply to any individuals introduced by the Isthmian Canal Commission or by its authority, for the purpose of temporarily laboring upon or in connection with the construction of the Isthmian Canal.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *January 9, 1908.*

8. Upon motion, it was

Resolved, That Circular No. 18 of the Isthmian Canal Commission, dated November 9, 1905, and approved at the one hundred and second meeting of the Commission, held January 1, 1906, and subsequently modified at the one hundred and fifteenth meeting of the Commission, held November 15, 1906, be changed to read as follows:

It is hereby ordered that in case of the death on the Isthmus of Panama during the continuation of service of an employee unaccustomed to a tropical climate, whose compensation is fixed in United States currency, the body will be embalmed and placed in a hermetically sealed casket, and the expense of embalming and furnishing the casket shall be paid from funds available for the Isthmian Canal Commission. If the employee was a citizen of the United States, the body shall be returned to his former home in the United States, subject to such quarantine regulations as may exist at the port of entry and the cities or towns through which it may have to pass, and of the place of destination, the necessary expenses connected with such transportation to be likewise paid from funds available for the Isthmian Canal Commission.

9. The Committee consisting of Commissioner Jackson Smith and Mr. H. J. Slifer, General Manager of the Panama Railroad, appointed at the one hundred and thirty-eighth meeting of the Commission, held at Culebra, to confer with the Panama merchants, filed their report through Commissioner Smith, who acted as Chairman.

The demands of the Panama merchants, which are shown by the records in the case, and filed with the Commission, are specifically as follows:

(1) That the privileges of the Commissary be restricted to employees on the gold roll.

(2) That the semimonthly pay day be restored.

(3) That the use of coupon books be discontinued.

(4) That the use of coupon books, if continued, be safeguarded and made good in trade with the Panama merchants.

(5) That European importations be discontinued.

Inasmuch as the progress of the work, its future success, and the welfare of all classes of employees would be imperiled by any radical concession to the Panama merchants of the character demanded; and in view of the many facts brought out in the investigations which leave the claims of the Panama merchants unsupported, on motion, it was

Resolved, (1) That the demand for the restriction of Commissary privileges be declined.

(2) That the demand for the restoration of the semimonthly pay day be declined, for the reasons previously stated and of record.

(3) That the demand for the discontinuance of the coupon books be declined.

(4) That all suggestions made by the Panama Committee in regard to safeguarding coupon books be adopted.

That the demand for coupon books to be made good in trade with Panama merchants be declined.

(5) That the demand that European importations be discontinued be complied with so far as consistent with good business judgment. If European goods are necessary for the convenience of employees, they should be kept in stock and purchased to the best advantage.

Resolved further, (*a*) That the Commissaries continue to carry in stock provisions, clothing, supplies, and other things necessary and convenient for officers, employees, workmen, and laborers, in the service of the Commission and Panama Railroad, and for their families.

That such provisions, clothing, supplies, and other things necessary and convenient be classified as salable to those on the gold roll and those on the silver roll.

(*b*) That the sale of coupon books to employees on the gold roll be limited to 65 per cent of their monthly salary, and to those on the silver roll to not exceed $15 per month, gold.

(*c*) That a copy of this resolution be furnished the Committee representing the Panama merchants.

There being no further business before the Commission, the meeting was adjourned at 4 p. m., subject to the call of the Chairman.

ONE HUNDRED AND FORTY-FIRST MEETING.

CULEBRA, CANAL ZONE, *February 25, 1908.*

The Commission met at the call of the Acting Chairman at 4 o'clock p. m.

Present: Commissioners Gaillard (Acting Chairman), Sibert, Rousseau, Gorgas, and Smith.

Absent: Chairman Goethals and Commissioner Blackburn.

The Commission elected the Chairman's Secretary, Mr. W. H. May, as Acting Secretary of the Commission for the meeting.

The minutes of the one hundred and fortieth meeting were read and approved.

1. In view of certain circumstances surrounding the forfeiture (under Section 17 of the Regulations Respecting the Sale of Intoxicating Liquors in the Canal Zone) of the liquor license at Bas Obispo, held by Peter Curzel, upon motion it was

Resolved, That the license issued to Peter Curzel for the sale of liquors at retail and forfeited under Section 17 of the Regulations, be renewed without the payment of an additional fee.

2. Whereas it appears from statistics prepared by the officers that the monthly amount of transportation on the Panama Railroad furnished to officials and employees of the Isthmian Canal Commission on the Isthmus at one-half the regular passenger rates is less than the lump sum of $11,000 authorized by resolution of the Commission at its one hundred and thirty-ninth meeting, held January 7, 1908, therefore be it

Resolved, That beginning with the month of February, 1908, and thereafter until statistics again warrant change, the lump sum of $10,000 per month be paid by the Commission for the transportation of their officials and employees on the regular scheduled trains of the Panama Railroad Company: *Provided, however,* That such lump-sum allowance per month shall not include the railroad company's proportion of the rate from New York to Panama on through business, but, on the contrary, that, as formerly, the sum of $1.20 per passenger shall be allowed and paid for the transportation of the Commission's employees en route from New York to Panama.

3. The Acting Chairman read the following Executive Orders, which were ordered to be spread upon the minutes:

EXECUTIVE ORDER.

By authority of the President, it is ordered:

On and after this date, the employment by the Isthmian Canal Commission of skilled laborers, clerks, and all others who have heretofore been known as gold employees of the Commission, shall be restricted to American citizens, except where American labor or service of the character required is not available.

Foreign employees now upon the pay rolls of the Commission shall not be affected by this order, save that in event of any reduction in force preference shall be accorded to American citizens.

WM. H. TAFT,
Secretary of War.

WAR DEPARTMENT, *Washington, D. C., February 8, 1908.*

EXECUTIVE ORDER.

Under authority vested in me by law, it is ordered:

1. In all criminal prosecutions in the Canal Zone wherein the penalty of death or imprisonment for life may be inflicted, the accused shall enjoy the right of trial by an impartial jury of the district in which the crime shall have been committed, to be chosen as follows:

2. The clerk of the circuit court, the district-judge, and the collector of revenue for the administrative district within the circuit in which the crime shall have been committed, shall constitute a jury commission for that circuit. In the second judicial district, the district judge and the collector of revenue to be members of the jury commission shall be designated by the circuit judge, upon this order becoming effective and annually thereafter, or as often as a vacancy may occur in the jury commission.

3. Prior to the first day of the term of any circuit court, upon application of the prosecuting attorney, or by direction of the judge of the circuit in which the crime shall have been committed, the jury commission shall assemble and select the names of 60 male residents of the Canal Zone, between the ages of 21 and 65 years, in good standing and in full possession of their ordinary faculties, who shall have resided within the Canal Zone for not less than three months previously, and who shall be able to read, write, and understand the English language. Attorneys at law, physicians, ministers of an established religion, members of the military, naval, and police forces, and officers of the Commission of the rank and above the rank of resident engineers, shall be exempt from jury service. The names of the persons so selected shall be written by one of the commissioners upon slips of paper, folded so as to conceal the names, in a uniform manner, and placed in a jury box.

4. Upon the first day of the term, unless an adjournment of the trial beyond the term shall be granted, the judge shall select from the jury box the names of thirty jurors to constitute the panel for the trial of the defendant. The said jurors shall thereupon be summoned by a written notice, served upon them by the marshal of the court, to attend at the trial of the defendant upon a day named. If it appear that any of the jurors whose names have been selected are absent from the Canal Zone, or incapacitated from other cause from attending as jurors, the judge, upon the application of the marshal, shall draw the names of other jurors and direct their summons until a panel of 30 jurors shall be assembled.

5. Upon calling the case for trial, 12 jurors shall be called to try the defendant in the order in which their names shall have been first drawn for summons by the circuit judge. Either side shall have the right to challenge any juror for cause, and, in addition thereto, the defendant and prosecuting attorney shall each have the right to challenge arbitrarily 6 of the said jurors. If the original panel of 30 shall be exhausted

without securing 12 impartial jurors to try the defendant, the names of other jurors shall be drawn by the circuit judge from the jury box and such jurors summoned until the jury shall have been completed.

6. The jury so selected shall, under the instructions of the court, and in conformity with the procedure prevailing in the Federal courts of the United States, determine whether, under the facts as proved, the defendant is guilty or not guilty. They shall conduct their deliberations in secret, and shall return a verdict of guilty or not guilty, which must be unanimous. Sentence shall be pronounced by the court.

7. The circuit judge shall have the discretion to require the jury to be kept together and apart from the public from the time they are sworn until their verdict shall be returned. If they be kept together, suitable provision shall be made by the marshal of the court for their subsistence and lodging. The jurors shall be allowed a jury fee of $2 for each day actually summoned to court and engaged in the trial of a criminal action. The cost of subsistence and lodging of the jurors and the fees for the jurors' attendance shall be paid from the Treasury of the Canal Zone, upon a voucher duly approved by the circuit judge.

8. It shall in all cases be optional with defendants to be tried before a jury as provided for in this order, or under the procedure prescribed in Section 171 of the Laws of the Canal Zone. The accused shall, however, in person or through his attorney, file a written statement with the clerk of the circuit court before which his trial is to take place, on the first day of the term for which the trial is set, stating the procedure by which he desires to be tried. The procedure having been once selected by the accused can not thereafter be changed, but must be followed with respect to any future trial of the accused for the same offense.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *February 6, 1908.*

4. Upon the recommendation of the Chief Sanitary Officer, it was

Resolved, That paragraph 5 under "D" of the regulations governing the treatment of persons by the physicians and in the hospitals of the Health Department of the Government of the Canal Zone, as adopted at the one hundred and twenty-fourth meeting of the Isthmian Canal Commission, held at Culebra, April 24, 1907, be changed to read as follows:

No charge shall be made for surgical operations performed on members of employees' families. For obstetrical cases in the families of employees receiving more than $50, gold, per month, treated at their homes, a charge of $15 shall be made. In the families of employees receiving less than $50, gold, per month, a charge of $10 shall be made under the same circumstances. No charge shall be made for obstetrical cases in hospitals in this class of cases other than the ordinary charge in other cases of sickness.

5. The Acting Chairman read the following letter from Mr. M. A. De Leon, of Colon, Republic of Panama:

COLON, *February 8, 1908.*

Maj. D. D. GAILLARD, U. S. A.,
Acting Chairman Isthmian Canal Commission, Culebra.

SIR: In view of the termination of the recent negotiations between the Commission and the merchants of Panama, I now have the honor to inquire if the Isthmian Canal Commission would be willing to entertain a proposition for turning over the commissaries of the Panama Railroad Company to a small syndicate of Panama merchants, providing said syndicate furnished all guarantees or bonds required for continuing present facilities, maintaining ample stocks, and selling supplies of as good a quality as those sold to-day and at prices as cheap, and possibly cheaper, as those charged at the present time. It is also, of course, understood that no supplies of any description

would be sold to others than the Isthmian Canal Commission or Panama Railroad employees.

The syndicate is both able and willing to carry out any obligations into which it may enter, providing the same concessions as are enjoyed to-day by the Isthmian Canal Commission and the Panama Railroad are extended to it and the coupon system remains in force.

Respectfully, M. A. De Leon.

The proposition contained in the letter of Mr. De Leon was carefully considered; and, after discussion, upon motion, it was

Resolved, That it is deemed inadvisable and impracticable by the Commission to intrust the furnishing of commissary supplies for the use of its employees to any private individual or to any combination of private individuals.

6. Commissioner Rousseau presented a letter from Rev. H. C. Goodrich, of Cristobal, Canal Zone, requesting that he be granted permission to erect a building on Lot No. 2, Block No. 1, in the Canal Zone, at Fox River; and, upon motion, it was

Resolved, That Rev. H. C. Goodrich be permitted to erect a building on Lot No. 2, Block No. 1, in the Canal Zone, at Fox River, in accordance with the plans submitted with his letter of February 5, 1908.

7. Commissioner Rousseau presented correspondence respecting the size of lots in the new village of Gatun; and, upon motion, it was

Resolved, That the plan for laying out lots in the new village of Gatun recommended by the General Manager of the Panama Railroad Company in his letter addressed to the Acting Head of the Department of Civil Administration, under date of January 25, 1908, be approved.

There being no further business before the Commission, the meeting was adjourned at 5.05 p. m., subject to the call of the Chairman.

ONE HUNDRED AND FORTY-SECOND MEETING.

CULEBRA, CANAL ZONE, *March 21, 1908.*

The Commission met at the call of the Chairman at 2.30 p. m.

Present: Commissioners Goethals (Chairman), Gaillard, Rousseau, Blackburn, Gorgas, Smith, and Secretary Bishop.

Absent: Commissioner Sibert (excused).

The minutes of the one hundred and forty-first meeting were read and approved.

1. The Chairman announced that the Secretary of War, by direction of the President, had approved the ordinance regulating the speed of automobiles in the Canal Zone, adopted at the one hundred and fortieth meeting of the Isthmian Canal Commission.

2. The Chairman read the following Executive Order, which was ordered to be spread upon the Minutes:

EXECUTIVE ORDER.

Whereas by section 11 of an order effective December 12, 1904, assented to by the Republic of Panama, it was provided that the Republic of Panama should contribute and pay to the United States a reasonable daily per capita charge in respect of each person insane or afflicted with the disease of leprosy, or indigent sick, entering, upon the request of the Republic, hospitals maintained or controlled by the United States, the said per capita charge to be fixed by the Secretary of War.

Now, therefore, it is ordered that on and after March 15, 1908, the charge to be paid by the Republic of Panama for all such patients admitted to the aforesaid hospitals at the request of the Republic be fixed at 75 cents gold per day per capita.

By direction of the President:

WM. H. TAFT,
Secretary of War.

WAR DEPARTMENT, *Washington, D. C., February 27, 1908.*

3. Whereas the good of the service has required the enlargement of the passenger accommodations upon the steamships *Colon* and *Panama,* owned by the United States Government and operated by the Commission; and

Whereas it has become necessary to make substantial repairs to the boilers and engines of the steamships *Colon* and *Panama,* which, in any event, would require the said ships to be laid up pending the making thereof; and

Whereas the Panama Railroad Company has, without cost to the Commission, undertaken to arrange for and superintend the making of the said changes in the passenger accommodations and boiler and engine room repairs of the said steamers: Now, therefore, be it

Resolved, That the Chairman of the Commission be directed to ratify and approve the contract or contracts entered into between the Panama Railroad Company and the William Cramp & Sons Ship and Engine Building Company for the making of such changes to the superstructure and repairs to the boilers and engines of the said steamships, and the Disbursing Officers of the Commission are directed to pay the expense bills for the said improvements and repairs, when certified to be correct by the officers of the railroad company.

Resolved further, That the charter payments agreed to be made by the railroad company for the charter of the said steamships *Colon* and *Panama* be remitted during such period of time as the said steamships may be out of commission by reason of the making of the aforesaid improvements and repairs: *Provided, however*, That the charter rate to be paid by the railroad company for the use of the said steamers shall be increased by an amount equal to 4 per cent upon the cost of the said improvements and repairs, and that the charter party between the railroad company and the Commission of November 10, 1905, be modified and the modifications accepted by the railroad company accordingly.

4. The Chairman presented for consideration a resolution adopted at a meeting of the Board of Directors of the Panama Railroad Company, held at New York on December 30, 1907, recommending, in view of the decreased earnings of the Panama Railroad Steamship Line, that the rates for transportation of employees of the Commission and the members of their families on the company's steamers be increased from $20 to $30.

After discussion, and upon motion, it was

Resolved, That it is deemed inadvisable at the present time to change the existing rates of transportation granted to employees and their families.

5. The Chairman presented a letter from the Secretary of State, addressed to the Secretary of War, forwarding a dispatch from the American Minister at Panama, requesting that the transportation rates allowed employees of the Isthmian Canal Commission and Panama Railroad Company on the steamers of the Panama Railroad Steamship Line be extended to diplomatic and consular officers of the United States and their families in the Republic of Panama.

Upon motion, it was

Resolved, That the regular officials of the State Department in the Republic of Panama and the members of their immediate families shall be given the same rates of transportation on the steamers of the Panama Railroad Steamship Line as those granted to employees of the Commission and their families, and under the same conditions.

6. Upon motion, it was

Resolved, That the construction of a kitchen, with the necessary kitchen arrangements, be authorized for the Salvation Army rest house and food station at Cristobal, at a cost not to exceed $500.

Resolved further, That any unexpended balance of said sum shall be available for necessary repairs.

7. Upon the recommendation of the Head of the Department of Civil Administration, it was

Resolved, That the application submitted by Mr. Peter S. Curzel, pursuant to the provisions of section 14 of the regulations respecting the sale of intoxicating liquors in the Canal Zone, for authority to transfer to Mr. James A. Slater his license for the sale of intoxicating liquors at retail, in the town of Bas Obispo be approved.

8. Upon motion, it was

Resolved, That, effective March 1, 1908, the Department of Labor, Quarters and Subsistence is authorized to take over from the Panama Railroad Company the operation of the Washington Hotel, as a matter of convenience and economy; all the revenue from both quarters and subsistence to accrue to the Isthmian Canal Commission, and all expenses incurred in such operation to be paid out of Commission funds.

9. Upon motion, it was

Resolved, That property belonging to the Isthmian Canal Commission shall be disposed of and accounted for under the following regulations:

All property belonging to the Isthmian Canal Commission shall be classified as "Expendable" or "Nonexpendable," as may be indicated in a list of property prepared by the Board of Survey and Appraisal and published from time to time.

All articles of whatever nature in storehouses under the Division of Material and Supplies, carried in stock for issue, will be accounted for monthly to the Disbursing Officer by a statement of issues and receipts, showing to whom or for what purpose issued. All articles in division stores will be accounted for by monthly material applied reports to heads of departments.

All nonexpendable articles will be borne on property returns until they have been transferred, dropped, or disposed of in conformity with these regulations, or in accordance with the action of the Board of Survey and Appraisal.

No articles shall be dropped under the head "Expended" except those that become fixtures, or lose their identity in use; all others shall be preserved and submitted for action of the Board of Survey and Appraisal.

Upon their certificate that the articles were worn-out in the public service, are worthless, and have no salable value, officers are authorized to drop from their property returns, without the action of the Board of Survey and Appraisal, or of an inspecting officer, brooms, sponges, chamois skins, dishcloths, dish towels, dusters, mops, brushes, and convict clothing. The certificate will accompany the returns on which the articles are dropped.

Upon their certificate that the articles were actually broken in service, without carelessness or neglect, officers are authorized to drop from their property returns articles of china and glass ware belonging to mess outfits: *Provided*, That the number of articles of one kind so dropped in one quarter of a fiscal year shall not exceed 20 per cent of the number of that kind carried on the returns, and in any fiscal year

80 per cent of such number. The certificates will accompany the returns on which the articles are dropped. All linen issued to the Department of Labor, Quarters and Subsistence, may be dropped as provided herein.

All medical supplies shall be disposed of and accounted for in accordance with the manual for the Medical Department of the United States Army, 1906, except in cases where the manual conflicts with the list mentioned in paragraph 1.

10. The Chairman read a letter addressed to him by the President, respecting medals to be given to all citizens of the United States who have rendered two years' satisfactory service on the Isthmus, and directing that the details of the scheme be perfected by the Commission.

Commissioners Rousseau and Smith were appointed a committee to consider the matter and make recommendations to the Commission at a subsequent meeting.

11. The chairman called attention to the resolution adopted by the Commission at its one hundred and twenty-sixth meeting disapproving the request of Mr. E. Hauer, an employee of the Division of Material and Supplies, that he be paid for the leave of absence granted him.

In view of peculiar conditions and circumstances not known at the time Mr. Hauer's request was previously considered, upon motion, it was

Resolved, That the action of the Commission at its one hundred and twenty-sixth meeting in disapproving payment for the leave of absence granted to Mr. Hauer be rescinded, and that payment be authorized for his accrued leave.

12. The chairman presented a petition signed by the executive committee of St. Mary's Episcopal Church at Empire, requesting the erection of a building for church purposes, in accordance with the plans accompanying the petition.

It having been resolved by the Commission, at its one hundred and tenth meeting, that buildings erected for the purpose of holding religious services should not be assigned to, or regarded as for, the exclusive use of any one denomination or creed, the Commission decided that no departure should be made from the action then taken, and the request was accordingly disapproved.

13. Upon motion, it was

Resolved, That the regulations in regard to longevity increases in pay, which were made effective May 1, 1907, shall hereafter apply only to American citizens.

Resolved further, That this shall not be interpreted to deprive any alien employee of longevity pay already granted.

14. Whereas in many instances men summoned to serve as jurors in criminal prosecutions in the Canal Zone, under the provisions of the Executive Order of February 6, 1908, will be employees of the

Commission or Panama Railroad Company whose pay is more than $2 per day; and

Whereas it is not deemed desirable to have such employees suffer financial loss while serving as such jurors: Therefore, be it

Resolved, That where employees of the Commission or Panama Railroad Company are required to do service as jurors they shall receive, in lieu of the regular juror's fee, their regular pay as such employees together with their actual and necessary personal expenses while so serving. In computing the pay of hourly employees eight hours shall constitute a day.

15. The chairman presented the following draft of a contract to be entered into between the Isthmian Canal Commission and the Panama Railroad Company, embodying the terms under which the railroad will be supplied with water for its uses at Cristobal and Colon in consideration of the transfer to the Commission of the railroad's water systems at Cristobal and Mindi:

AGREEMENT ENTERED INTO BETWEEN THE ISTHMIAN CANAL COMMISSION AND THE PANAMA RAILROAD COMPANY.

1. Whereas the water system of the Panama Railroad Company at or near Colon was in 1906 transferred by the railroad company to the Isthmian Canal Commission, subject to an informal agreement that the Commission should supply the railroad company with water free of charge; and

2. Whereas subsequently, on September 6, 1906, the Canal Commission provided by resolution that the Commission would charge the railroad company for water furnished it at Colon and Cristobal at the rate of 11 cents per thousand gallons; and

3. Whereas the agreement, as modified by that resolution, was further modified by a resolution adopted January 21, 1907, providing that the charge to be made by the Commission for water furnished the railroad company at Colon and Cristobal should be 40 cents per thousand gallons, less a reasonable reduction for not using the sewerage in Colon, and a further reasonable reduction if the railroad company should use enough water to be a wholesale consumer; and

4. Whereas the railroad company makes no use of the sewerage system installed by the Canal Commission at or near Colon, and uses a large quantity of water, making it a wholesale consumer; and

5. Whereas the Panama Railroad Company has since constructed a water system of its own outside of but in the vicinity of Colon, known as the Mindi Diversion, with a new pipe line from Dock No. 14 to the Cristobal tank, and has purchased and has installed a new pumping station with necessary machinery at Mindi, and the Commission desires to acquire the control and use of the same for the purpose of adding to its existing water system at Colon: Now, therefore,

1. The Panama Railroad Company—

(*a*) Releases the Commission from any and all obligations it may be under to supply it with water free by virtue of the aforesaid agreement.

(*b*) Transfers to the Commission its existing water system, with reservoirs, dam, pumping station, machinery, water mains, and supply pipes at Mindi, and confirms in the Commission all its right, title, and interest in and to the water mains constructed by it within the city of Colon, except the water pipes on Docks 1, 2, 3, and 4 of the Panama Railroad Company, which are to remain the property of and be retained by the said railroad Company.

(*c*) And grants to the Commission a perpetual easement in and to all lands occupied by the said Mindi waterworks system, with the right to enter upon and occupy all portions of the real estate of the railroad company necessary to the proper operation of the said Mindi water system.

2. The Commission in consideration thereof agrees—

(*a*) To supply to the Panama Railroad Company, free of charge, all water consumed by it outside of the city of Colon in its shops and locomotives, and all water necessary to supply Docks Nos. 11 and 14, and the existing Cristobal supply tank of the Panama Railroad Company: *Provided*, That no water shall be sold to foreign ships from any docks outside of the city of Colon unless notice of such sale be given to the superintendent of public works of the Canal Zone, and the amount so delivered to the Panama Railroad Company for resale to such foreign ships be measured and paid for by the Panama Railroad Company at the regular rates provided hereinafter to be paid by it for water delivered within the city of Colon.

(*b*) To supply the Panama Railroad Company all water consumed or taken by it within the city of Colon for any purpose whatever at the rate of 30 cents per thousand gallons.

In witness whereof the respective parties hereto have caused this agreement to be executed by their proper officers thereto duly authorized.

The draft of the contract, as presented, was approved, and the chairman was authorized to sign it on behalf of the Commission.

16. In order that the principles of civil service covering employment in the United States may be applied as closely as possible to employees of the Canal Commission, and in view of the fact that the Washington office of the Commission has on file applications for employment from competent United States citizens in practically every trade and rating employed on the Isthmus;

Upon motion, it was

Resolved, That hereafter no special appointments shall be requested except in special cases to be approved by the Chairman, and all appointments in the United States shall be made by the Washington office and in accordance with approved practice.

There being no further business, the Commission adjourned at 5 p. m., subject to the call of the Chairman.

ONE HUNDRED AND FORTY-THIRD MEETING.

CULEBRA, CANAL ZONE, *April 27, 1908.*

The Commission met at the call of the Chairman at 2.30 o'clock p. m.

Present: Commissioners Goethals (Chairman), Gaillard, Sibert, Rousseau, Gorgas, Blackburn, Smith, and Secretary Bishop.

The minutes of the one hundred and forty-second meeting were read and approved.

1. The Chairman read the following Executive Order, which was ordered to be spread upon the minutes:

EXECUTIVE ORDER.

Under authority vested in me by law, it is ordered:

Executive Order No. 750, dated February 6, 1908. providing for a system of jury trials in criminal prosecutions in the Canal Zone, wherein the penalty of death or imprisonment for life may be inflicted, is hereby modified by striking out of lines 1 and 2, section 2, and out of lines 4 and 5 of the same section, the words "collector of revenue" and inserting in lieu thereof the words "tax collector."

THEODORE ROOSEVELT.

THE WHITE HOUSE, *March 31, 1908.*

2. The Chairman presented statments showing the appointments, promotions, and other changes in the personnel:

(*a*) In the Department of Construction and Engineering for the weeks ending October 26; November 2, 9, 16, 23, and 30; December 7, 14, 21, and 28; January 4, 11, 18, and 25; February 1, 8, 15, 22, and 29; March 7, 14, 21, and 28; April 4, 11, and 18.

(*b*) In the Department of Labor, Quarters, and Subsistence for the weeks ending October 26; November 2, 9, 16, 23, and 30; December 7, 14, 21, and 28; January 4, 11, 18, and 25; February 1, 8, 15, 22, and 29; March 7, 14, 21, and 28; April 4, 11, and 18.

(*c*) In the Department of Sanitation for the weeks ending October 26; November 2, 9, 16, 23, and 30; December 7, 14, 21, and 28; January 4, 11, 18, and 25; February 1, 8, 15, 22, and 29; March 7, 14, 21, and 28; April 4, 11, and 18.

(*d*) In the Department of Civil Administration for the weeks ending October 26; November 2, 9, 16, 23, and 30; December 7, 14, 21, and 28; January 4, 11, 18, and 25; February 1, 8, 15, 22, and 29; March 7, 14, 21, and 28; April 4, 11, and 18.

(*e*) In the Department of Disbursements for the weeks ending October 26; November 2, 9, 16, 23, and 30; December 7, 14, 21, and 28; January 4, 11, and 25; February 1, 8, 15, and 29; March 7, 14, 21, and 28; April 4, 11, and 18.

(*f*) In the Office of the Examiner of Accounts for the weeks ending October 26; November 2, 9, 23, and 30; December 7, 14, 21, and 28; January 4, 11, 18, and 25; February 1, 8, 15, 22, and 29; March 7, 14, 21, and 28; April 4, 11, and 18.

(*g*) In the Isthmian Canal Commission Band for the weeks ending October 26; November 9, 16, and 23; December 14 and 28; January 25; February 1; March 28; April 4, 11, and 18.

All of which were ratified and approved.

3. Under authority of the order of the President of March 13, 1907, the following ordinance was enacted, to be in force in the Canal Zone on and after the date of its approval by the Secretary of War:

1. It shall be unlawful for the owner or custodian of any horse, colt, mule, ass, bull, steer, cow, calf, hog, goat, or sheep to permit any such animal to be at large within or in the neighborhood of any labor camp, village, or other settlement in the Canal Zone, or on any watershed from which any public water supply is obtained; or to be staked or tethered in such place or in such manner as to be or create a nuisance within or in the neighborhood of any labor camp, village, or other settlement or on any such watershed.

2. There shall be provided by the Chief of Police of the Canal Zone, convenient to each police station in the Zone, a public pound, in which shall be impounded any animal found at large or tethered contrary to the provisions of the preceding section: *Provided*, That at each place where the Isthmian Canal Commission maintains a corral such corral shall be used as a public pound.

3. Any animal found at large or tethered contrary to the provisions of the first section hereof shall be taken up and impounded by the police: *Provided*, That any such animal may be taken up by any private individual and delivered to the police for impounding. It shall be unlawful for any person to deliver to the police for impounding any animal other than an animal found at large or tethered contrary to the provisions of the first section hereof.

4. Notice of the impounding of any animal shall be posted by the police in two conspicuous places in the police district in which such animal is impounded for ten days, including the day upon which the animal is impounded. Such notice shall contain a description of the animal and shall state where it is impounded and to whom application should be made for its release. It shall also state that if previous application for the release of the animal is not made, it will be sold before the police station on the tenth day from and including the day on which it is impounded, at an hour to be stated in the notice.

It shall be unlawful for any person other than the owner or custodian, or agent of the owner or custodian, to secure the release of any impounded animal.

5. If application for the release of any impounded animal is not made within eight days from and including the date of its impounding, the police shall make application to the District Judge of the district for authority for its sale. If it shall appear to the judge that the provisions of this ordinance have been complied with, and that the animal has not been claimed by the owner or custodian, he shall enter an order authorizing its sale at public cry before the police station of the police district in which it is impounded at the time stated in the notice of impounding posted by the police. The police shall thereupon sell the animal, at the hour and place stated, to the highest bidder for cash.

6. For each horse, colt, mule, ass, bull, or cow impounded there shall be collected $1 as a pound fee and 50 cents per day as a maintenance charge; and for each calf, hog, goat, or sheep 50 cents as a pound fee and 25 cents per day as a maintenance charge.

Before the release of any animal to the owner or custodian, the proper fees and charges shall be collected from him. Upon the sale of any animal under an order of court, the court costs shall be deducted from the amount for which the animal is sold and paid over to the District Judge. All amounts collected by the police from the owner or custodian of any impounded animal or from its sale, after paying the costs of court, shall be remitted to the Treasurer of the Canal Zone as Zone revenues. There shall be returned to the owner or custodian of any animal sold under the provisions of this ordinance, upon application therefor made, at any time within one year from the date of such sale, the amount for which the animal was sold, less the pound fees and charges and costs of court.

7. If any impounded animal is suffering from any infectious or contagious disease, or from any disease or injury causing great pain, or is without value, or if no bid is received for any impounded animal offered for sale, the police shall immediately make application to the District Judge for authority to destroy it, and the judge shall, if he is satisfied of the facts as stated, enter an order authorizing its destruction.

8. The cost of constructing pounds and feeding impounded animals shall be paid from Canal Zone funds.

9. Any person violating any provision of this ordinance shall be guilty of a misdemeanor, and on conviction thereof shall be fined not more than $25 or imprisoned not longer than thirty days, or both fined and imprisoned, in the discretion of the court.

10. This ordinance supersedes and repeals the provisions of any ordinance, regulation, or law in force in the Canal Zone prohibiting persons from permitting animals to run at large, or providing for impounding such animals, and the provisions of any other ordinance, regulation, or law in force in the Canal Zone in conflict with it.

4. The Chairman presented for consideration the case of A. R. Brown, employed as levelman in the Gatun Division of Lock and Dam Construction, who was granted forty-two days' leave of absence with pay, effective February 2, 1908, and who was unable to report for duty within fifteen days after the expiration of his leave period, as required by the regulations, owing to the failure of the steamship *Panama* to reach the Isthmus on schedule time.

As Mr. Brown's return to the Isthmus had been delayed by reason of sickness, and as he had sailed from New York in ample time to report for duty before the expiration of the fifteen-day period on the usual schedule of the *Panama*, upon motion, it was—

Resolved, That payment for the leave of absence granted to Mr. Brown is hereby authorized.

5. Commissioners Sibert and Smith were appointed a committee to consider and report upon the proposed revision of the Rules and Regulations for the Government of the Canal Zone Police Force, recommended by the head of the Department of Civil Administration.

6. The Chairman presented a letter from the Chief Sanitary Officer advising that Dr. Max J. Gerdes, an employee of his department, who was granted six weeks' leave of absence with pay, effective March 11, 1908, had died in Ancon Hospital April 7, 1908, and recommending that the vacation money due Doctor Gerdes at the time of his death be paid to his estate. Upon motion, it was—

Resolved, That the recommendation of the Chief Sanitary Officer be approved and that payment be authorized to the estate of Doctor Gerdes for such portion of his vacation leave as was due at the time of his death.

7. The Chairman stated that his attention had been called to the growing practice of keeping chickens and other fowls around Commission quarters. In several instances a nuisance had been created by the uncleanly state of buildings and coops, and complaints had been made on account of the condition of sidewalks caused by chickens running at large. It being considered desirable that some regulation be adopted respecting the keeping of poultry, upon motion, it was—

Resolved, That when fowls of any kind are kept by employees living in Commission quarters they shall be confined in buildings or coops located in a yard or inclosure of wire, the same to be approved by the Chief Sanitary Officer. Such buildings, or coops, must at all times be maintained in a condition satisfactory to the Inspectors of the Sanitary Department. This resolution shall be effective May 15, 1908, and any violation of its provisions upon the part of any employee may be considered a sufficient cause for forfeiture of quarters.

8. In order to supply electric current for the Salvation Army Rest House and Food Station at Cristobal, upon motion, it was—

Resolved, That the construction of a pole line be authorized at a cost not to exceed $150.

9. The Chairman read certain correspondence between the Chief Sanitary Officer and the Surgeon-General, United States Army, in which the former had proposed the admission of employees of the Commission, suffering with tuberculosis, to the United States General Hospital, Fort Bayard, N. Mex., the necessary expenses of such patients to be borne by the Commission; to which proposition the Surgeon-General had agreed.

After discussion, it was the sense of the meeting that the Commission was not warranted in obligating itself to provide for the admission of employees as patients under the conditions specified.

10. Upon the recommendation of the Chief Sanitary Officer, it was

Resolved, That the Sanitary Department be authorized to employ two competent dentists. These dentists shall be employees of the Commission, entitled to all the privileges and allowances of an employee on the gold roll drawing $1,800 a year, and shall be furnished by the Commission with suitable instruments and office furniture, but shall receive no salary in money.

In return for these allowances said dentists shall be subject to all the rules and regulations of the Commission, and shall do dental work for employees of the Commission and Panama Railroad Company, and the members of their families, at a tariff to be fixed by the Chief Sanitary Officer. The dentists shall furnish all the necessary material for doing dental work with the exception of those above mentioned.

11. The Chairman presented a letter from Rev. S. Moss Loveridge, one of the Commission chaplains, recommending the construction of a building at Culebra to be used as a reading and writing room by colored employees of the Commission, the building to be located adjacent to the present colored church near the Panama Railroad station.

Upon motion, it was

Resolved, That the construction of a suitable building, including necessary furniture, be authorized, at a cost not exceeding $2,600, provided the condition of the appropriations will warrant the expenditure.

12. Commissioners Rousseau and Smith submitted the following report, which was adopted:

APRIL 27, 1908.

Lieut. Col. GEO. W. GOETHALS,
Chairman and Chief Engineer, I. C. C.,
Culebra, Canal Zone.

SIR: In accordance with your instructions at the one hundred and forty-second meeting of the Commission appointing the undersigned a committee to consider the matter of medals to be given to all citizens of the United States who have rendered two years' satisfactory service on the Isthmus, we have the honor to submit the following recommendations:

1. American citizens alone shall be eligible for medals, and for naturalized aliens medal service shall count only after acquiring citizenship.

2. Medal service shall begin with American occupation, employees of the Isthmian Canal Commission and Panama Railroad to be equally eligible after that date.

3. Medals shall be numbered consecutively in the order in which they have been earned.

4. Continuous service on the Isthmus alone shall count for medal longevity.

5. Services shall have been satisfactory.

While not exactly covered by your instructions, we should like to submit our views in regard to the medal itself, as follows:

(*a*) It shall be, approximately, the size of the American silver dollar and shall be of composition or bronze from old French Canal scrap.

(*b*) On one side shall be a medallion head of President Roosevelt and on the other side the seal of the Canal Zone.

(*c*) The medal shall be inscribed "For two years' continuous service on the Panama Canal" and "Presented by the President of the United States."

(*d*) Each medal shall be engraved with the name of the employee, the number of the medal, and the years included by his two years' service.

Among the ideas which have been considered is whether provision shall be made for additional service bars for each two years' continuous service. While

this idea has some attractive features we believe that it will be better to defer action on same for the present.

Very respectfully,

(Signed) H. H. ROUSSEAU,
Commissioner.

(Signed) JACKSON SMITH,
Commissioner.

13. Upon motion, it was—

Resolved, That the following general rules be adopted for the promotion of gold employees whose duties are not professional or clerical and whose rate of pay exceeds $75 per month:

1. In all departments and divisions in which work is in progress on a regular basis the number of employees in each supervisory or directive grade and class and the rate of pay for each grade and class shall be fixed as on May 1, 1908, and this number shall not be exceeded in any grade or class without special approval by the Chairman and Chief Engineer. In case of a decrease of the working force the number of employees in each supervisory or directive grade or class will be decreased correspondingly.

2. Vacancies occurring in any division or department will, whenever practicable, be filled in the following order of preference:

(*a*) By the promotion of deserving employees in that division or department.

(*b*) By the transfer of deserving employees from other branches of the work.

(*c*) By the employment of citizens of the United States, either on the Isthmus or in the United States.

(*d*) By the employment of foreigners.

3. In making recommendations for promotion due consideration must be given to qualifications in the order named:

(*a*) Efficiency.

(*b*) Conduct.

(*c*) Length of service.

(*d*) American citizenship.

4. Except in cases of emergency no employee will be eligible for promotion to a higher grade or class until he has served satisfactorily for not less than three months in the next lower grade or class.

5. Any employee who voluntarily leaves the service without giving at least five days' notice in advance to his immediate superior will be ineligible for employment for a period of thirty days thereafter, and upon reemployment shall not receive a rate of pay greater than that received at the time of leaving the service.

6. An employee whose service has been unsatisfactory shall, if reemployed, receive a rate of pay materially smaller than that received at the time of his discharge.

14. Upon the recommendation of the Chief Sanitary Officer, it was—

Resolved, That paragraph 7 of the building regulations, appproved by the Commission at its one hundred and thirtieth meeting, be changed to read as follows:

7. No gutters shall be placed on buildings in future, and where such gutters now in use are in need of repairs they shall be removed entirely instead of being repaired.

15. Upon motion, it was—

Resolved, That the regulations respecting the sale of intoxicating liquors in the Canal Zone, approved at the one hundred and twenty-fifth meeting of the Commission, be, and the same hereby are, amended by inserting at the end of section 11, after the word "adulteration," the following:

Or to sell any liquors, except upon the payment of cash at the time of sale.

This amendment shall immediately precede the amendment to section 11, adopted at the one hundred and thirty-first meeting of the Commission, held August 1, 1907.

16. In accordance with the provisions of section 4 of the regulations respecting the sale of intoxicating liquors in the Canal Zone, the Commission proceeded to consider the number of saloons or drinking places to be licensed in each town or village during the year beginning July 1, 1908, and the limits within which such saloons or drinking places must be located. After discussion it was determined that the sale of liquors should be permitted in the following towns, within limits to be fixed prior to May 1, 1908, by the head of the Department of Civil Administration, subject to the approval of the Chairman: Rio Grande, Culebra, Empire, Las Cascadas, Bas Obispo, Matachin, Gorgona, Tabernilla, Bohio, and Gatun. It was further determined that the number of saloons to be located in each town, within the limits prescribed, should not be restricted, but that each reliable and responsible applicant should be granted a license, in conformity with the regulations, upon the payment of the necessary fee.

———

There being no further business before the Commission, the meeting adjourned at 5.10 p. m., subject to the call of the Chairman.

ONE HUNDRED AND FORTY-FOURTH MEETING.

CULEBRA, CANAL ZONE, *June 9, 1908.*

The Commission met at the call of the Chairman at 2.30 o'clock p. m.

Present: Commissioners Goethals (Chairman), Sibert, Rousseau, Blackburn, Smith, and Secretary Bishop.

Absent: Commissioners Gaillard and Gorgas.

The minutes of the one hundred and forty-third meeting were read and approved.

1. The Chairman announced that the Secretary of War had disapproved the amendment to section 11 of the regulations respecting the sale of intoxicating liquors in the Canal Zone, adopted by the Commission at its one hundred and forty-third meeting, prohibiting the sale of liquors except upon the payment of cash at the time of sale.

2. The Chairman read the following Executive Order, which was ordered to be spread upon the minutes:

EXECUTIVE ORDER.

Under authority vested in me by law, it is ordered:

Section 436 of act No. 14 of the laws of the Canal Zone is hereby amended so as to read as follows:

"Every person who willfully injures, defaces, or removes any signal, monument, building, or appurtenance thereto, placed, erected, or used by persons engaged in the United States Coast Survey, or Isthmian Canal Commission, or any public service company within the Canal Zone, knowing the same to be a boundary or survey monument, is guilty of a misdemeanor."

THEODORE ROOSEVELT.

THE WHITE HOUSE, *April 24, 1908.*

3. Upon the recommendation of the Head of the Department of Civil Administration, it was—

Resolved, That the resolution adopted at the one hundred and forty-third meeting of the Commission, held April 27, and the order of the Head of the Department of Civil Administration of April 30, prescribing areas in the towns of Empire, Las Cascades, and Gorgona

for the location of saloons, shall not be construed as prohibiting the renewal of the license of any retail liquor dealer now engaged in business in said towns for his present location: *Provided*, That this resolution shall not abridge the right of the Commission to cancel the license or require the removal of any such saloon under present regulations.

4. Upon the recommendation of the Head of the Department of Civil Administration, it was—

Resolved, That the application submitted by Mr. H. Hellinger, pursuant to the provisions of section 14 of the regulations respecting the sale of intoxicating liquors in the Canal Zone, for authority to transfer to Mr. Hobart Sylvester Brady his license for the sale of intoxicating liquors at retail in the town of Gatun, be approved.

5. Upon the recommendation of the Head of the Department of Civil Administration, it was—

Resolved, That the application submitted by Mr. Melchor Rivera Esquivel, pursuant to the provisions of section 14 of the regulations respecting the sale of intoxicating liquors in the Canal Zone, for authority to transfer to Mr. Peter Hanson his license for the sale of intoxicating liquors at retail in the town of Empire, be approved.

6. Upon the recommendation of the Head of the Department of Civil Administration, it was—

Resolved, That the application submitted by Mr. P. Canavaggio, pursuant to the provisions of section 14 of the regulations respecting the sale of intoxicating liquors in the Canal Zone, for authority to transfer to Mr. Charles Bryant his license for the sale of intoxicating liquors at retail in the town of Las Cascadas, be approved.

7. Upon motion of the Head of the Department of Civil Administration, it was—

Resolved, That Jose Sandi, holding a license for the sale of liquor at retail at the town of Empire, be permitted to remove his saloon from the building in which it is now located to the adjoining building situated on lot No. 3.

8. By authority of the order of the President of the United States, dated March 13, 1907, the regulations prescribing certain taxes and licenses in the Canal Zone, adopted by the Commission April 27, 1907, are amended to read as follows, effective July 1, 1908:

SECTION 1. All ordinances and resolutions heretofore enacted by the Isthmian Canal Commission or any municipal council of the Canal Zone and now in force in the Canal Zone or any part thereof, so far as they provide for the collection of taxes and the issue of licenses, except such as relate to the issue of licenses for the sale of intoxicating liquors, are hereby repealed. But nothing herein contained shall be construed to affect any outstanding licenses issued conformably to the laws and regulations now or heretofore in force, or to require the payment of any tax provided for herein upon any article or for the doing of any act upon or for which a tax has already been paid, until such license shall have expired or have been revoked, or until the expiration of the period for which such tax has been paid.

SEC. 2. It shall be unlawful for any person, firm, or corporation to have in his or its possession any of the articles or things hereinafter enumerated, or to conduct or engage in any business hereinafter mentioned, without obtaining a license or paying the tax provided for herein. Applications for licenses to conduct any businses or for the enjoyment of any privileges under these regulations shall be in writing, addressed to the District Collector of the district in which it is desired to conduct the business or enjoy the privilege, and stating the location of the proposed business or privilege. All licenses and taxes provided for herein shall be issued or received by the District Tax Collector. Licenses and taxes provided for in these regulations shall authorize the conduct of the business or the exercise of the privilege within the administrative district only for which the licenses are issued or the taxes paid.

SEC. 3. There shall be levied for each fiscal year (July 1 to June 30) upon the rental value of all buildings and structures and upon all improvements upon agricultural and grazing lands, including as improvements clearings, fences, and plantations, a rental tax equal to 5 per cent of the annual rental derived or that should be reasonably derived therefrom. This tax shall be levied and published in January of each year, and shall be due and payable on the 1st day of April of each year and delinquent after June 30.

There shall be no other tax on real estate levied in the Canal Zone.

SEC. 4. The owner of buildings, structures, or improvements upon the said land, or the occupant making the same, shall be primarily responsible for the said tax.

SEC. 5. RENTS AND PROFITS FROM PUBLIC PROPERTY.—(*a*) The charge for rental of agricultural land shall be $3 per hectare per annum, the year to begin with the date of the lease: *Provided*, That if it shall appear at the end of the first year's occupancy of any such agricultural land that the tenant thereof has improved the same, by cultivation or the construction of buildings, to the value of $50 per hectare, he shall be granted the free use of the land for the second year of such occupancy.

(*b*) The charge for the privilege of occupying space in public markets shall be fixed as to each market by the Collector of Revenues and the Superintendent of Public Works jointly.

SEC. 6. LICENSES.—The following charges shall be made for licenses: For keeping a dog over 3 months of age, $1.50 for each male dog and $3 for each female dog per year: *Provided*, That dogs used for watch dogs on farms in the country and not permitted to run at large shall not be subject to taxation. The owner of each dog licensed shall keep the animal in good condition, and in case the dog contracts a contagious, infectious, or loathsome disease it shall be the duty of the owner to kill it immediately. There shall be attached to the neck of each dog licensed a tag, to be supplied by the District Collector without charge to the owner of the dog, upon which shall appear the name of the administrative district, the period for which the license is issued, the number of the license, and the words "Dog license." Any dog found at large not wearing such a tag shall be taken up by the police and kept during three days in a proper place, after which, if the owner shall not appear to claim the dog, it shall be killed by the police. If the dog is reclaimed by the owner, he shall pay $1 fine and the license fee, if unpaid.

SEC. 7. (*a*) For maintaining for hire a public coach or carriage for the transportation of passengers, $1.25 per month. For maintaining for hire a public cart or dray for the transportation of baggage or freight, $1 per month.

(*b*) For operating and maintaining any public restaurant, cantine, lunch counter, hotel, inn, and boarding or lodging house, $1 per month.

(*c*) For carrying on the business of a peddler, $2.50 per month: *Provided*, That no license shall be required where only articles of food are sold.

(*d*) For carrying on the business of auctioneer, $12 per month. For a single auction, $1 per day during its progress.

(*e*) For maintaining a public billiard table, bowling alley, or shooting gallery, $5 per quarter.

(*f*) For public horse races, $10 for each day.

(*g*) For maintaining a public dance hall, $10 per month.

(*h*) For carrying on the business of a pawnbroker, $10 per month.

(*i*) For conducting theatrical and like amusements tendered the public, for which an admission fee is charged:

(1) Circuses, menageries, and caravans under canvas, $5 for each day exhibitions are given.

(2) Minstrel, musical, variety, and all other similar shows or exhibitions given under canvas or within an inclosure, $2.50 per day or $10 per month.

(3) Musicians, jugglers, acrobats, trick riders, fortune tellers, and persons engaged in similar business or professions, performing in the public highway or from house to house, $1 per month for each person.

(*j*) For maintaining a merry-go-round for hire, $10 per month.

(*k*) For operating a hurdy-gurdy, street piano, or hand organ, striking machine, view machine, fortune-telling device, cane rack, doll rack, and all other similar devices of a nongambling nature maintained in the open or within an inclosure where no admission is charged, $1 a month for each device.

SEC. 8. TAX ON CONSUMPTION OF COMMERCIAL COMMODITIES.—(*a*) the following taxes shall be charged and collected on the slaughter of animals for food: Each bull or steer, $4; each cow, $3; each calf, $2; each hog, $1.50; each sheep, $1; each goat, 50 cents.

(*b*) For the sale of meat within the Canal Zone from animals killed outside of the Zone, there shall be charged and collected a tax of 1 cent a pound.

(*c*) A tax of one-half of 1 per cent of the value of the stock on hand on the 1st day of the month in any store, shop, or booth where dry goods, hardware, drugs and medicines, and other similar articles of commerce are offered for sale, shall be charged and collected monthly: *Provided*, That the minimum tax shall be $1 per month: *And provided further*, That no tax shall be collected on groceries and articles of food.

(*d*) For the retail sale of soda water or other aerated waters from any fountain or booth there shall be collected a tax of $2 a month.

(*e*) For the sale of soda water, other aerated waters, and ice cream from any cart or other vehicle there shall be charged and collected a tax of $2 a month.

(*f*) For the retail sale of tobacco in any form there shall be charged and collected a tax of $2 a month.

SEC. 9. POLL TAX.—Each male, a permanent resident of the Canal Zone, between the ages of 18 and 60 years shall be required to pay a poll tax of $2 for each fiscal year (July 1 to June 30). The tax shall be due and payable January 1 of each year and shall be delinquent June 30: *Provided*, That any person may, by working two days on public improvements in the Canal Zone, under the direction of the Superintendent of Public Works, and presenting to the District Tax Collector a certificate of such work, be relieved from the payment of this tax.

SEC. 10. WEIGHTS AND MEASURES.—The fee for sealing any set of weights or measures shall be 25 cents.

SEC. 11. Unless otherwise stated, annual taxes and licenses shall be due and payable in advance on the 1st day of July of each year, and shall be delinquent July 31; quarterly taxes and licenses shall be due and payable in advance on the 1st days of July, October, January, and April, and shall become delinquent on the 10th days of the same months; monthly taxes and licenses shall become due and payable in advance on the 1st day of each month, and shall become delinquent on the 10th day of each month. Any tax or license not paid when delinquent shall be increased by the addition of a penalty of 20 per cent of the original tax or license. Except where otherwise provided, the tax or license for any part of any period herein named shall be the same as for the full period.

SEC. 12. All amounts referred to herein are in United States currency.

SEC. 13. Any person violating any provision of these regulations shall be guilty of a misdemeanor, and shall, upon conviction in any district court of the Canal Zone, be punished by a fine not exceeding $25 or imprisonment not exceeding thirty days, or both fine and imprisonment, in the discretion of the court.

9. The following resolution, adopted by the Isthmian Ministers Association at a meeting held at Gorgona May 4, 1908, was read and noted:

Resolved, That we regard the making and sale of spirituous liquors one of the greatest curses of the present age; and that we do not believe it should be made or sold directly or indirectly in territory owned and controlled by the United States Government, and especially not in territory such as the Canal Zone, where thousands of young men, without the benefits of home influence, are employed: Therefore, be it

Resolved, That we, the Isthmian Ministers Association, in regular session assembled, respectfully request that His Excellency the President of the United States, and the Chief Engineer and Chairman of the Isthmian Canal Commission, will make such rules and regulations as to prohibit the sale, making, and introducing of spirituous liquors in the Canal Zone.

Respectfully submitted.

(Signed) J. L. WISE,
President.

(Signed) M. BRITTON KING,
Secretary.

10. Upon motion, it was—

Resolved, That the resolution adopted at the one hundred and tenth meeting of the Commission, held May 2, 1906, fixing the percentage to be added to labor cost for work performed in Panama Railroad shops in behalf of the Commission, or for work performed for the Panama Railroad in shops owned or operated by the Commission, be changed to read as follows:

That the consideration to be fixed, as in other cases where property of the Commission has been leased to the Railroad, shall be 4 per cent per annum of the cost to the Commission plus maintenance, and that all work performed in these shops in behalf of the Commission be charged actual cost, plus such percentage for superintendence and use of tools as may be fixed from time to time by the Chairman of the Isthmian Canal Commission; and that all work performed for the Panama Railroad in shops owned or operated by the Commission shall be charged for in the same manner.

11. The Chairman presented for consideration the question of allowing free transportation and transit time to Linus M. Reed, an employee of the Mechanical Division. Mr. Reed was originally employed in the United States, as a machinist, November 18, 1907, and discharged December 5, 1907, on account of reduction of force. He was subsequently reemployed in the United States, in the same capacity, February 15, 1908.

Inasmuch as Mr. Reed was not permitted to go to work at the time of his first employment, being immediately returned to the States, it was the sense of the meeting that his employment of February 15, 1908, should be considered as an original appointment, and, upon motion, it was—

Resolved, That the allowance of free transportation and the payment for transit time to Linus M. Reed, under his appointment of February 15, 1908, be authorized.

12. The Chairman read the following order, signed by himself and approved by the Secretary of War, relative to the division of duties between the Division of Municipal Engineering and the Division of Public Works, in order to secure proper authority for the present manner in which work is being performed:

CULEBRA, CANAL ZONE, *April 8, 1908.*

By authority of the order of the President of January 6, 1908, it is ordered that the construction and repair of public roads, trails, bridges, water and sewer systems, lights, markets, slaughterhouses, and of other public works and improvements in the Canal Zone, placed in charge of the Superintendent of Public Works by section 5 of the order of the President of March 13, 1907, be transferred from the Superintendent of Public Works, in the Department of Civil Administration, to the Department of Construction and Engineering; and that the maintenance of public oil lights be transferred from the Superintendent of Public Works, in the Department of Civil Administration, to the Department of Labor, Quarters, and Subsistence, at points in the Zone where it can more conveniently be done by that Department.

(Signed) GEO. W. GOETHALS,
Chairman and Chief Engineer.

Approved:

(Signed) WM. H. TAFT,
Secretary of War.

WASHINGTON, *April 25, 1908.*

In view of this order, it was—

Resolved, That resolution No. 12, adopted at the one hundred and twenty-sixth meeting of the Isthmian Canal Commission, held May 21, 1907, be, and the same hereby is, rescinded.

13. On motion, it was—

Resolved, That the Chairman be authorized to issue free transportation on any steamship lines connecting with the ports of Panama or the Canal Zone, in such special cases not heretofore provided for, as may in his judgment appear proper.

14. The Chairman stated that he had authorized the Chief Sanitary Officer to direct E. Frederick Quimby, Sanitary Inspector, who, while on duty, was bitten by a dog suffering from hydrophobia, to proceed to New York City to take the necessary treatment for the prevention of rabies, the expenses necessarily incurred by him to be borne by the Commission. The action of the Chairman was approved.

15. The following amendment to section 321 of the Code of Civil Procedure of the Canal Zone was read and approved:

Under authority vested by law in the President of the United States, it is ordered:

That section 321 of the Code of Civil Procedure of the Canal Zone, in force under order of the President of March 22, 1907, be, and the same hereby is, amended by the addition thereto of the following:

"*Provided*, That the signature of the chief judge or presiding magistrate to a judicial record from the Republic of Panama shall be authenticated by the Secretary of Foreign Relations of the Republic of Panama, whose signature shall in turn be authenticated by the Chief Executive of the Canal Zone."

16. The Chairman presented a letter from the Head of the Department of Civil Administration, submitting applications for liquor licenses for the year beginning July 1, 1908, in the Canal Zone, together with recommendations as to the licenses to be issued.

After examination of the papers and after discussion, the Head of the Department of Civil Administration was authorized to take the necessary steps for the issuance of licenses to the following applicants:

Rio Grande: Kwong Chong, Prudencio San Martin, Hing Kee, Yuen Lee, Lee Hop, Kwong Hing Jan, Wing Woo Yuen, Kwong Hing, Suey Chong.

New Town Culebra: Hip Wo, Wong You Kee, Sing On, John Chong Wing, Roger J. Coyne & Jas. McFarlane, Tak Long.

Empire: Louis H. Cavailler, Mezele Gustave, Manuel Leones, Hop Hing, H. F. Younge, Yuen Hing, Jose Sandi, Chi Hing, Chow Shin Leon, Tuck Yue Chong, Abrom Rome, Kong Shang Long Chang, Peter Hansen, Amado J. Gonsalez, Charles R. Cantor.

Las Cascadas: Lai Wo, Justiniano Richefort, Charles Bryant.

Bas Obispo: See Lee, Chee Chung Hing, Kwong Chong Kee, James A. Slater.

Matachin: Man Lee Chang, Jose C. M. de la Puerta, Agapito Centeno.

Gorgona: Tracy Smail, Jorge Andrade, Alejandro Ramos, Gabriel Jolly, Mow Chong Long, Yuen Chong, Hing Chong, Kum Lun Tai, Lee Chong, William Lowe Tong, Jacob Kowalsky, Isaac L. Maduro, jr.

Tabernilla: Lee Fung Yuen, Wing Hop, Lam Hing Lung, Hing Lee, Wing Hing Sanchez, N. B. Casado, William Carnatt.

Bohio: Yee Shun, Wing Lee.

Gatun: Lam Chong Lung, John B. Schuetz, Yee Kee, R. S. Brady, Wing Wo Tai.

The Head of the Department of Civil Administration was further authorized to issue licenses to the following applicants under the conditions stated:

Las Cascadas: Sam Lee and Hing Chong Jon, provided their saloons are located within the area prescribed by the order of the Head of the Department of Civil Administration of April 30, 1908.

Gorgona: Jacinto Sanchez, provided that the building in which his saloon is located is reconstructed in a manner satisfactory to the authorities.

Tabernilla: Kwong Foo Yuen, provided his saloon is located within the area prescribed by the order of the Head of the Department of Civil Administration of April 30, 1908.

There being no further business before the Commission, the meeting adjourned at 4.40 p. m., subject to the call of the Chairman.

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